Cour Pénale Internationale



International Criminal Court

Original: English No.: ICC-01/04-01/07

Date: 16 April 2008

PRE-TRIAL CHAMBER I

Before: Judge Sylvia Steiner, Single Judge

SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO

IN THE CASE OF

THE PROSECUTOR v. Germain Katanga and Mathieu Ngudjolo Chui

Public Document

Decision on the Defence Request for extension of Time

Decision to be notified in accordance with regulation 31 of the Regulations of the Court to:

The Office of the Prosecutor

Mr Luis Moreno Ocampo, Prosecutor Mr Éric MacDonald, Senior Trial Lawyer Counsel for the Defence of Germain Katanga Mr David Hooper

Ms Caroline Buisman

Counsel for the Defence of Mathieu

Ngudjolo Chui

Mr Jean-Pierre Kilenda Kakengi Basila

Ms Maryse Alié

Legal Representatives of the Victims

Ms Carine Bapita Buyagandu Mr Joseph Keta

Mr J.L. Gilissen

Legal Representatives of the Applicants

Unrepresented Victims

Unrepresented Applicants for Participation/Reparation

The Office of Public Counsel for

Victims

The Office of Public Counsel for the

Defence

States Representatives Amicus Curiae

REGISTRY

Registrar Defence Support Section

Mr Ralph Martens, Acting Registrar

Victims and Witnesses Unit Detention Section

Victims Participation and Reparations

Section

Other

ICC-01/04-01/07-399 16-04-2008 3/6 SL PT

I, Judge Sylvia Steiner, judge at the International Criminal Court ("the Court");

NOTING the "Decision on the Applications for Participation in the Proceedings of

Applicants a/0327/07 to a/0337/07 and a/0001/08"1 ("the Decision on the

Applications") issued by the Single Judge on 2 April 2008, in which the Single Judge

decided, inter alia, that:

(i) Applicants a/0327/07, a/0329/07, a/0330/07, a/0331/07 and a/0333/07

shall have until Wednesday 9 April 2008: (i) to make a request, if they

so wish, for the non-disclosure of their identities to the Defences for

Germain Katanga and Mathieu Ngudjolo Chui during the pre-trial

stage of the present case; and (ii) to make their observations on the set

of procedural rights that should be attached to the procedural status of

victim at the pre-trial stage of the present case; and that

(ii) the Prosecution shall have until Monday 14 April 2008, and the

Defences for Germain Katanga and Mathieu Ngudjolo Chui until

Friday 18 April 2008 to make their respective observations on: (i) any

request for non-disclosure of identity made by Applicants a/0327/07,

a/0329/07, a/0330/07, a/0331/07 and a/0333/07; (ii) the set of procedural

rights that should be attached to the procedural status of victim at the

pre-trial stage of the present case.

NOTING the "Observations des représentants légaux de la victime a/0333/07 relatives au

maintien de l'anonymat et aux modalités de participation des victims au stade préliminaire

de l'affaire"² filed by the Legal Representatives of Victim a/0333/07 on 9 April 2008;

NOTING the "Sousmission du représentant légal des victimes a/0327/07, a/0329/07,

a/0330/07 et a/0331/07 sur le mode de participation des victimes à l'audience des

¹ ICC-01/04-01/07-357.

² ICC-01/04-01/07-383.

No. ICC- 01/04-01/07

16 April 2008

confirmations des charges"³ filed by the Legal Representative of Victims a/0327/07,

a/0329/07, a/0330/07 and a/0331/07 on 9 April 2008;

NOTING the "Prosecution's Observations on the Anonymity and the Modalities of

Participation in the Proceedings of Applicants a/0327/07 to a/0337/07"4 filed by the

Prosecution on 14 April 2008;

NOTING the "Requête sollicitant la prorogation des délais conformément à la Norme 35 du

Règlement de la Cour pour permettre à la Défense de répondre aux observations des

Représentants légaux des victimes a/0333/07, a/0327/07, a/0329/07, a/0330/07 et a/0331/07

relatives au maintien de l'anonymat et aux modalités de participation des victimes au stade

préliminaire de l'affaire"⁵ ("the Request") filed by the Defence for Mathieu Ngudjolo

Chui on 15 April 2008;

NOTING articles 67 and 68 of the Rome Statute ("the Statute"); rules 89 and 91 of the

Rules of Procedure and Evidence ("the Rules"), and regulations 35 of the Regulations of

the Court ("the Regulations");

CONSIDERING that the Decision on the Applications in which the Single Judge

establishes the time limit for observations on the set of procedural rights that should

be attached to the procedural status of victim at the pre-trial stage of the present case

was issued on 2 April 2008; and that the observations of the Legal Representatives of

all the Victims of the case of The Prosecutor v. Germain Katanga and Mathieu Ngudjolo

Chui were submitted on 9 April 2008;

³ ICC-01/04-01/07-385.

⁴ ICC-01/04-01/07-392.

⁵ ICC-01/04-01/07-357

No. ICC- 01/04-01/07

16 April 2008

4/6

CONSIDERING that the Defence for Mathieu Ngudjolo Chui submits that (i) the

Defence Team has been complete since only three weeks from the Request; (ii) the

Defence Team has only just received access and training to ringtail and livenote

programs; and (iii) the Defence Team is currently preparing its Briefs in relation to

two appeals and that the briefs are due to be filed on 17 and 21 April 2008,

respectively;

CONSIDERING that, although the time limit originally given in the Decision on the

Applications allowed sufficient time for the Defence for Mathieu Ngudjolo Chui to

make its observations, the Single Judge notes that the cumulative factors of the

considerable amount of submissions, together with the organization of the Defence

Team in terms of personnel and access and training to relevant software of the Court

indicates good cause shown by the Defence for Mathieu Ngudjolo Chui as required

by Regulation 35 (2) of the Regulations;

CONSIDERING that, in the view of the Single Judge, the Defence for Germain

Katanga should also benefit from this extension of time limit;

FOR THESE REASONS

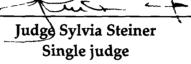
GRANT the request of the Defence for Mathieu Ngudjolo Chui;

No. ICC- 01/04-01/07

16 April 2008

DECIDE that both the Defences for Mathieu Ngudjolo Chui and Germain Katanga shall have until Wednesday 23 April 2008 to file their observations pursuant to the Decision on the Applications.

Done in both English and French, the English version being authoritative.



Dated this Wednesday 16 April 2008

At The Hague,

The Netherlands